

Senate Resolution No. 33

Introduced by Senator Murray

Relative to the Los Angeles County Metropolitan Transportation Authority.

WHEREAS, The Los Angeles County Metropolitan Transportation Authority (MTA) was the subject of a class action lawsuit brought by the Labor/Community Strategy Center, Bus Riders Union (BRU) and others in 1994 alleging that the MTA had neglected the operation and improvement of its bus system in favor of building and expanding its rail system; and

WHEREAS, The MTA and the BRU, the court-recognized class representative for bus riders, agreed to a settlement of the lawsuit in 1996 before the case went to trial. This settlement became known as the consent decree, and the decree contained specific actions to be taken by the MTA over the following 10 years to improve bus service, including the reduction of overcrowding on buses, implementation of additional or improved service to provide better access to schools, jobs, and health care facilities for persons dependent on transit, and the maintenance of affordable fares; and

WHEREAS, Bus passenger load factor targets were established as part of the consent decree to reduce bus overcrowding, necessitating the purchase of additional buses by the MTA and changes in bus system routes, services, and operations; and

WHEREAS, The number of additional buses needed to meet the improved service requirements and reduced bus load factors has been in dispute since 1998 when the lawsuit plaintiffs proposed that at least 606 new buses were needed while the MTA countered that 160 buses were sufficient, with the dispute being appealed in 1999 to the special master overseeing the implementation of the consent decree, who concluded that a total of 483 new buses were needed; and

WHEREAS, The MTA challenged the decision of the special master, asking for reconsideration of the decision and this reconsideration subsequently resulted in a determination by the special master to reduce the number of additional buses to 432 (comprised of 248 new buses and 113 new buses, respectively, to meet two specified load factor targets plus 71 spare buses), a determination also challenged by the MTA in an appeal to United States District Court Judge Terry Hatter, who affirmed

the special master's determination that the immediate purchase of 248 buses was necessary to meet a specified load factor to resolve "insufficient capacity" violations by the MTA. Judge Hatter's decision was further appealed by the MTA to the Ninth Circuit Court of Appeals but the appeal was unsuccessful; and

WHEREAS, The MTA in 2002 voted to appeal the consent decree to the United States Supreme Court but the hearing was refused and the earlier rulings were thereby upheld, and this judicial decision was followed by an evaluation of the MTA's performance in meeting load factor targets and reducing overcrowding; and

WHEREAS, On January 12, 2004, the special master overseeing the consent decree directed the MTA to move expeditiously to expand service and remedy exceedences of bus load factor targets (overcrowding), including the purchase of the vehicular equivalent of 145 new buses to be placed in service not later than December 2005; and

WHEREAS, The board of directors of the MTA has continued to appeal the decisions of the special master and the courts that require the MTA to reduce overcrowding on its buses and abide by the terms of the consent decree, including the board's February 2, 2004, decision to pursue a limited appeal of the January 12, 2004, order of the special master, contending that the authority can provide the necessary units of bus service with fewer than the 145 buses through more efficient scheduling of its existing buses; now, therefore, be it

Resolved by the Senate of the State of California, That the Los Angeles County Metropolitan Transportation Authority should abandon its current challenge and refrain from any subsequent appeals of the consent decree or the findings and orders of the special master or the courts with regard to the implementation of the consent decree to improve and expand bus service and thereby reduce overcrowding on the authority's buses; and be it further

Resolved, That the MTA is requested to take all necessary actions to fully implement the terms of the consent decree at the earliest possible date in order that bus service improvements are realized sooner and maximized for the benefit of bus riders within the service area of the authority; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each member of the board of directors of the MTA.



Senate Resolution No. 33 read and adopted by the Senate May 17, 2004.

Attest: _____
Secretary of the Senate

